

Appl. No. 09/181,533
Amdt, dated 10/26/05
Reply to Office Action of 5/11/05

PATENT

REMARKS/ARGUMENTS

Claims 1-33 are pending in the current application. Claims 1-25 and 33 are rejected. Claims 26-32 were withdrawn from consideration.

Independent claims 1, 16, 22 and 33 are amended herein. These amendments are fully supported by the specification, drawings and claims as originally filed; no new matter has been added.

Claims 1-13, 15-17 and 20-25 stand rejected under 35 U.S.C. §103(a) as unpatentable over Epley. U.S. Pat. No. 4,756,312 (Epley), in view of Grad U.S. patent 5,811, 896 (Grad). Claim 14 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Epley as applied to Claim 1 above and further in view of U.S. Pat. No. 5,233,322 (Posey '322).

Applicants wish to thank Examiners Ensey and Tran for their courteous and helpful telephonic interview of October 20, 2005. At the interview, Applicants undersigned representative and the Examiners discussed the Epley reference as well as the proposed amendments to the claims.

At the request of the Examiners, Applicants wish to clarify the claim language in claims 1 and 15 that "a first orientation with respect to the reed switch and when the field means is at a second orientation with the reed switch" means an angular orientation and not a first orientation being a "North" magnetic field and a second orientation being a "South" magnetic field.

Also at the request of the Examiners, Applicants wish to point out that Epley teaches that its external magnetic actuator is to be positioned external to the housing of its hearing device and not external to the hearing canal of the user. This is specifically taught in the Abstract where Epley states that its "magnetic actuator [is] is located outside of the housing [of its hearing aid] as well as Figure 1 of Epley which shows Epley's magnetic actuator 54 in the ear canal in contact with the its hearing aid also in the ear canal. This same Figure along with the

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text in Col 11, lines 1-10 illustrate that Epley's teaching of its magnetic actuator being adjacent to its switches 24A and 24B means that the actuator is positioned within the ear canal and in close proximity to the hearing device's housing.

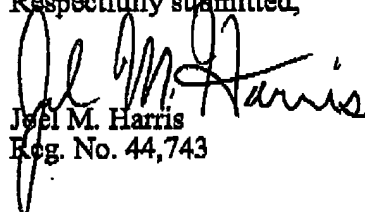
It is believed that these clarifications along with the current amendments and arguments of record in Applicants response of 8/11/05 put the claims in condition for allowance. Thus, Applicants respectfully request that the Application be passed to issue at an early date.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,


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